

CALIFORNIA LEGISLATURE
2019–20 REGULAR SESSION

SENATE DAILY JOURNAL

TWENTY-SECOND LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, February 11, 2019

The Senate met at 2:02 p.m.
Hon. Mike McGuire, of the 2nd District, presiding.
Secretary Erika Contreras at the Desk.
Assistant Secretary Zachary L. Twilla reading.

PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:

Allen, Archuleta, Atkins, Bates, Beall, Borgeas, Bradford, Caballero, Chang, Dodd, Durazo, Galgiani, Glazer, Grove, Hertzberg, Hill, Hueso, Hurtado, Jackson, Jones, Leyva, McGuire, Mitchell, Monning, Moorlach, Morrell, Nielsen, Pan, Portantino, Roth, Rubio, Skinner, Stone, Umberg, Wieckowski, Wiener, and Wilk—37.

Quorum present.

(NOTE: Senator Stern will be excused this day due to death in the family.)



PRAYER

Upon invitation of the President, the following prayer was offered by Pastor Joseph Sissac of Center of Praise Church:

Gracious Lord, we are grateful this day for life and the opportunity to serve. We take this time to acknowledge the great work of Your hands, as our very beings are made in the image and likeness of God. We thank You for the progress made in this nation and the State of California to recognize that all people bear the image of God. And we thank You specifically, during Black History Month, for the legacy of inspiration, innovation, perseverance, and victory accomplished by African Americans in the United States and throughout the world. As You O Lord, were the source of strength for the oppressed in generations passed, we stand in need of Your strength and guidance today. I pray for those here today to continue to do good works, to reap where they have not sown, and to be lights in the darkness, overcoming evil in all its forms. Help us to forge ahead into a future that is befitting of the sacrifices, suffering, and hard-fought victories of the past.

In Your Holy Name we pray.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Mitchell led the Senate in the Pledge of Allegiance to the Flag.

**MOTIONS, RESOLUTIONS AND NOTICES
UNANIMOUS CONSENT FOR PHOTOGRAPHER**

Without objection, a photographer was permitted on the Floor of the Senate for today's session.

**PRIVILEGES OF THE FLOOR
SPECIAL INTRODUCTIONS**

Senator Monning introduced Jeffrey Armstrong, President of California Polytechnic State University, San Luis Obispo, and 20 student leaders, in honor of their visit to the California State Senate.

**CONSIDERATION OF DAILY FILE
THIRD READING OF SENATE BILLS**

Senate Concurrent Resolution 12—Relative to Black History Month.

Resolution read third time and presented by Senator Bradford.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (37)—Senators Allen, Archuleta, Atkins, Bates, Beall, Borgeas, Bradford, Caballero, Chang, Dodd, Durazo, Galgiani, Glazer, Grove, Hertzberg, Hill, Hueso, Hurtado, Jackson, Jones, Leyva, McGuire, Mitchell, Monning, Moorlach, Morrell, Nielsen, Pan, Portantino, Roth, Rubio, Skinner, Stone, Umberg, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.



PRIVILEGES OF THE FLOOR
SPECIAL RECOGNITIONS

Senators Bradford and Mitchell presented member's resolutions to the California Legislative Black Caucus 2019 Unsung Heroes Ozie Gonzaque and Jewel Thais-Williams.

SPECIAL INTRODUCTIONS

Senator Hill introduced the members of the California State Association of Family, Career and Community Leaders of America, in honor of their visit to the California State Senate.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
February 11, 2019

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

GAVIN NEWSOM, Governor

LOUIS E. PAULSON, has been appointed to the Public Employment Relations Board. Paulson was president of the California Professional Firefighters from 2004 to 2018. He was fire captain for the Contra Costa County Fire Protection District from 1993 to 2012, and president of Contra Costa County Firefighters Local 1230 from 1995 to 2004. Appointed 02/06/2019. Effective 02/07/2019.

Member, Public Employment Relations Board, vice, Priscilla Winslow, not confirmed. Term ending 12/31/2023.

MICHAEL J. ALLEN, has been appointed to the California Unemployment Insurance Appeals Board. Allen served as an Assembly Member and Assistant Majority Leader in the California State Assembly from 2011 to 2012. He was a district director for Senator Patricia Wiggins in the California State Senate from 2004 to 2008, executive director at the Service Employees' International Union Local 707 from 1980 to 2004, and a psychiatric registered nurse at the County of Sonoma Mental Health Department from 1975 to 1980. Allen earned a Juris Doctor degree from Empire College School of Law. Appointed 02/06/2019. Effective 02/07/2019.

Member, California Unemployment Insurance Appeals Board, vice, Bonnie Garcia, term expired. Term ending 05/01/2020.

Above appointments referred to the Committee on Rules.



INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measures were introduced, read the first time, and transmitted to the Committee on Rules for assignment:

Senate Bill 235: By Senator Dodd—An act to amend Sections 65400, 65584.07, and 65913.4 of, and to add Section 65584.08 to, the Government Code, relating to housing.

Senate Bill 236: By Senator Wilk—An act to amend Section 39719 of the Health and Safety Code, relating to greenhouse gases.

Senate Bill 237: By Senator Hertzberg—An act to add Chapter 9.6 (commencing with Section 8770) to Division 1 of Title 2 of the Government Code, relating to state government.

Senate Bill 238: By Senator Grove—An act to amend Section 2750.5 of the Labor Code, relating to employment.

Senate Bill 239: By Senator Chang—An act to add Section 801.3 to the Penal Code, relating to criminal procedure.

Senate Bill 240: By Senator Dodd—An act to amend Section 14020 of the Insurance Code, relating to insurance.

Senate Bill 241: By Senator Moorlach—An act to add Section 6508.3 to the Government Code, relating to public agencies.

Senate Bill 242: By Senator Roth—An act to amend Sections 65352, 65940, and 65944 of the Government Code, and to enact Section 21098 of the Public Resources Code, relating to land use.

Senate Bill 243: By Senator Borgeas—An act to amend Section 32534 of the Public Resources Code, relating to the San Joaquin River Conservancy.

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)**

Senate Concurrent Resolution 10—Relative to Fred Korematsu Day of Civil Liberties and the Constitution.

Resolution read third time and presented by Senator Pan.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (37)—Senators Allen, Archuleta, Atkins, Bates, Beall, Borgeas, Bradford, Caballero, Chang, Dodd, Durazo, Galgiani, Glazer, Grove, Hertzberg, Hill, Hueso, Hurtado, Jackson, Jones, Leyva, McGuire, Mitchell, Monning, Moorlach, Morrell, Nielsen, Pan, Portantino, Roth, Rubio, Skinner, Stone, Umberg, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.



**PRIVILEGES OF THE FLOOR
SPECIAL INTRODUCTIONS**

Senator Mitchell introduced Dr. Lori Bettison-Varga, President and Director of the Natural History Museum of Los Angeles County, in honor of her visit to the California State Senate.

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS**

Assembly Joint Resolution 1—Relative to Vietnamese refugees.
Resolution read third time and presented by Senator Umberg.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (37)—Senators Allen, Archuleta, Atkins, Bates, Beall, Borgeas, Bradford, Caballero, Chang, Dodd, Durazo, Galgiani, Glazer, Grove, Hertzberg, Hill, Hueso, Hurtado, Jackson, Jones, Leyva, McGuire, Mitchell, Monning, Moorlach, Morrell, Nielsen, Pan, Portantino, Roth, Rubio, Skinner, Stone, Umberg, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill 72—1/30/2019 9 p.m.—An act to amend the Budget Act of 2018 (Chapters 29 and 30 of the Statutes of 2018) by amending items 3940-101-0001, 3940-491, 8860-001-0001, and 9210-102-0001 of, and adding items 0650-101-0001, 0690-011-0001, and 0690-103-0001 to, Section 2.00 of, amending Sections 39.00 and 99.50 of, and adding Section 23.20 to, that act, relating to the state budget, and making an appropriation therefor, to take effect immediately, budget bill.

Bill read third time and presented by Senator Mitchell.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Allen, Archuleta, Atkins, Bates, Beall, Borgeas, Bradford, Caballero, Chang, Dodd, Durazo, Galgiani, Glazer, Grove, Hertzberg, Hill, Hueso, Hurtado, Jackson, Jones, Leyva, McGuire, Mitchell, Monning, Moorlach, Morrell, Nielsen, Pan, Portantino, Roth, Rubio, Skinner, Stone, Umberg, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

Bill ordered transmitted to the Assembly.



Assembly Bill 73—1/30/2019 9 p.m.—An act to amend Section 53.5 of the Civil Code, and to add Section 8690.6 to the Government Code, relating to public safety, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill read third time and presented by Senator Mitchell.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Allen, Archuleta, Atkins, Bates, Beall, Borgeas, Bradford, Caballero, Chang, Dodd, Durazo, Galgiani, Glazer, Grove, Hertzberg, Hill, Hueso, Hurtado, Jackson, Jones, Leyva, McGuire, Mitchell, Monning, Moorlach, Morrell, Nielsen, Pan, Portantino, Roth, Rubio, Skinner, Stone, Umberg, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measures were introduced, read the first time, and transmitted to the Committee on Rules for assignment:

Senate Bill 244: By Senator Grove—An act to amend Section 80 of the Military and Veterans Code, relating to veterans.

Senate Bill 245: By Senator Chang—An act to amend Section 31753 of, and to add Sections 30505, 30524.5, 31751.4, and 31764.5 to, the Food and Agricultural Code, relating to public animal shelters.

Senate Bill 246: By Senator Wieckowski—An act to add Part 19.1 (commencing with Section 40300) to Division 2 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 247: By Senator Dodd—An act to add Section 4742 to the Public Resources Code, relating to wildland fire prevention.

Senate Bill 248: By Senator Glazer (Principal coauthors: Assembly Members Gonzalez and Quirk-Silva) (Coauthors: Senators Allen, Archuleta, Bates, Beall, Bradford, Caballero, Chang, Dodd, Galgiani, Hertzberg, Hill, Hueso, McGuire, Nielsen, Pan, Portantino, Roth, Skinner, Wieckowski, Wiener, and Wilk) (Coauthors: Assembly Members Choi, Daly, Diep, Grayson, Blanca Rubio, Santiago, and Voepel)—An act to amend Section 17053.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.



Senate Bill 249: By Senator Nielsen—An act to add Section 66452.27 to the Government Code, relating to land use, and declaring the urgency thereof, to take effect immediately.

Senate Bill 250: By Senator Nielsen—An act to amend Section 300 of the Financial Code, relating to financial institutions.

Senate Bill 251: By the Committee on Banking and Financial Institutions (Senators Bradford (Chair), Caballero, Chang, Durazo, Hueso, Morrell, and Portantino)—An act to amend Sections 7502.1, 7522, 7582.2, 7742, 10131.3, 10166.07, 10177, 10232.4, 10239, 11000.1, 11243, 17537.2, and 20009 of the Business and Professions Code, to amend Sections 1770, 1916.5, 2924, and 2953 of the Civil Code, to amend Sections 336a and 580e of the Code of Civil Procedure, to amend Section 9201 of the Commercial Code, to amend Sections 191, 500, 1001, 1300, 1502.1, 2011, 2117.1, 7813.5, 8011.5, 8723, 12504, 12532, 12662, 13205, 13406, 13408.5, 14312, 15911.21, 17707.07, 17711.02, 25004, 25014.6, 25023, 25100, 25102, 25102.1, 25118, 25217, 25300, 25606, 25612.3, 28505, 28715, and 31115 of the Corporations Code, to amend Sections 818, 4970, 4995, 7273, 17303, 18027, 18339, and 18596 of the Financial Code, to amend Sections 1322, 6276.18, 7603, 12657, 12659, and 75030.5 of the Government Code, to amend Sections 760, 771, 828, 845, 845.5, 1192, and 1758.993 of the Insurance Code, to amend Section 186.9 of the Penal Code, to amend Sections 10200 and 11604.5 of the Probate Code, and to amend Section 4734 of the Public Resources Code, relating to financial institutions.

Senate Bill 252: By Senator Leyva—An act to amend Section 17002 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 253: By Senator Dodd—An act to amend Section 568 of, and to add Section 569.5 to, the Food and Agricultural Code, relating to agriculture.

Senate Bill 254: By Senator Hertzberg—An act to amend Sections 10089.37 and 10089.38 of, and to add Section 10089.315 to, the Insurance Code, relating to insurance, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEAVES OF ABSENCE

The following Senator was granted leave of absence for the day due to death in the family: Senator Stern.



REQUESTS TO ADJOURN IN MEMORIAM

Senator Borgeas requested that when the Senate adjourns this day it do so in memory of Dr. Charles Van Nuys Allen of Modesto.

Senator Chang requested that when the Senate adjourns this day it do so in memory of Roy Lee Anderson and Dahlia Mariles Leber Anderson of Yorba Linda, Stacie Norene Leber of Corona, and Donald Paul Elliot of Norco.

Senator Dodd requested that when the Senate adjourns this day it do so in memory of Ronald William Miller of Napa.

Senator Jackson requested that when the Senate adjourns this day it do so in memory of Guy Webster of Ojai.

Senator McGuire requested that when the Senate adjourns this day it do so in memory of Paul Zygielbaum of Santa Rosa.

Senator Pan requested that when the Senate adjourns this day it do so in memory of Russell Strahan of South Natomas.

Senator Skinner requested that when the Senate adjourns this day it do so in memory of Frank Robinson of Oakland.

Senator Stone requested that when the Senate adjourns this day it do so in memory of Ron Roberts of Temecula.

Senator Wiener requested that when the Senate adjourns this day it do so in memory of Patricia Nell Warren of Los Angeles.

ADJOURNMENT

At 3:38 p.m., on motion of Senator Atkins, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, February 12, 2019.

NEVA MARIE PARKER, Minute Clerk

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